

**DRAFT**

**Compatibility Determination**

Recreational Fishing

Rocky Mountain Arsenal National Wildlife Refuge  
Commerce City, Colorado

Prepared by: Ivan Vicente, Outdoor Recreation Planner

Rocky Mountain Arsenal National Wildlife Refuge  
December, 2005

**DRAFT**

## **COMPATIBILITY DETERMINATION**

**Use:** Recreational Fishing

**Refuge Name:** Rocky Mountain Arsenal National Wildlife Refuge

**Establishing and Acquisition Authority:**

Rocky Mountain Arsenal National Wildlife Refuge Act of 1992, Public Law 102-402, October 9, 1992

**Refuge Purposes:**

1. To conserve and enhance populations of fish, wildlife, and plants within the Refuge, including populations of waterfowl, raptors, passerines, and marsh and water birds.
2. To conserve species listed as threatened or endangered under the Endangered Species Act and species that are candidates for such listing.
3. To provide maximum fish and wildlife oriented public uses at levels compatible with the conservation and enhancement of wildlife and wildlife habitat.
4. To provide opportunities for compatible scientific research.
5. To provide opportunities for compatible environmental and land use education.
6. To conserve and enhance the land and water of the Refuge in a manner that will conserve and enhance the natural diversity of fish, wildlife, plants, and their habitats.
7. To protect and enhance the quality of aquatic habitat within the Refuge.
8. To fulfill international treaty obligations of the United States with respect to fish and wildlife and their habitats.

**National Wildlife Refuge System Mission;**

The mission of the National Wildlife Refuge System is to "...to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans." (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

**Description of Use:**

Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (NWRRIA), fishing is one of the six forms of wildlife-dependent recreation that are the priority public uses of the NWR. These uses are appropriate on refuges and are to be offered to the public whenever they are compatible with the purpose(s) of the refuge and the mission of the Refuge System.

This Compatibility Determination supersedes previously approved Compatibility Determinations that were prepared in the mid-1990s prior to enactment of the NWR SIA, and the formal publication of the final compatibility policy and compatibility regulations in the Federal Register (FR 62484, FR 62458) on October 18, 2000. This Compatibility Determination also covers the continued operation and maintenance of existing public use support facilities described in the RMA NWR Public Use Plan (2004), including: Lake Mary Trail, Lake Mary Fishing Pier, Lake Mary Observation Dock, Boardwalk at Lake Mary, Lake Ladora Dam Road and Lake Ladora Trail. In addition this Compatibility Determination covers development of the North Ladora Trail which will facilitate recreational fishing. That trail is not identified in the RMA NWR Comprehensive Management Plan (1996) or the Record of Decision for the RMA NWR Final Environmental Impact Statement (December 1995), and will be subject to additional National Environmental Policy Act compliance prior to construction.

This Compatibility Determination does not cover additional fishing facilities such as proposed fishing piers or boat ramps in Lake Ladora. No decision has been made to pursue those proposals and additional Compatibility Determinations will be made prior to construction of any additional facilities.

### ***Public Fishing Program***

***History/Background:*** Prior to the establishment of the Refuge, the U.S. Army Program Manager at Rocky Mountain Arsenal operated a sport fishing program. Since the 1960's anglers from the Denver area have enjoyed fishing at Rocky Mountain Arsenal. The Refuge's lakes are considered among the best close-to-home lakes in the Denver metropolitan area for largemouth bass and northern pike

In 1990, the Service assumed responsibility for the Army's fishing program and changed it to a catch-and-release program. The catch and release program was implemented to comply with the RMA Federal Facility Agreement Institutional Control that prohibits human consumption of fish and wildlife from RMA. In addition, the catch-and-release program was implemented to maintain a high quality fishery. Since then, the RMA NWR public fishing program is managed in a seasonal basis from April to October. The program was suspended in the late 1990's and again during 2000 – 2002 for dam maintenance or remedy-related purposes.

In May 2004, the Service initiated a Fishing Recreation Fee Program with the objective of maintaining a balanced healthy fishery and improving fishing related facilities at the Refuge.

### ***Fishing Venues***

Three man-made reservoirs comprise the game fish habitat of RMA NWR. Lake Ladora and Lower Derby Lake were built during the pre-WWII farming era as irrigation reservoirs. Lake Mary was built in the 1960's by Army personnel as a kid's fishing pond. It remains so today.

In the 1990's the Service managed public fishing on all three lakes. As remedy water requirements increased following implementation of the cleanup Record of Decision in 1996, and drought struck in 2001, Lower Derby was dropped from the fishing program. Lower Derby will be managed primarily as waterfowl habitat and as remedy water storage until the remediation of soils and structures is completed at RMA in 2012. After completion of the surface remedy, fishing may be resumed in Lower Derby, if that is the decision of the CCP revision scheduled for 2012.

### ***Description of the Lakes***

#### **Lake Mary**

Location: Section 2

Size: 8.4 Acres

Game fish: largemouth bass, channel catfish, bluegill, yellow perch, black crappie.

Restrictions: No wading allowed

Fishing facilities: ADA compatible observation platform, fishing dock and floating boardwalk

Associated Trails: Lake Mary Trail

Associated facilities: gazebo, kiosks, benches, north and south amphitheaters,

Handicapped parking lot

Other supporting use: wildlife observation, photography, environmental education and interpretation

Collected Recreation Fee recent projects: Lake Mary wooden steps trail short-cut built for angler access to and from Lake Ladora; Facility repairs to boardwalk, observation dock and fishing pier.

#### **Lake Ladora**

Location: Section 2

Size: 47.1 Acres

Game Fish: northern pike, largemouth bass, bluegill.

Restrictions: Northern and eastern shores of Lake Ladora are closed to public access at all times

Fishing facilities: No fishing facilities

Associated Trails: Lake Ladora Trail, North Ladora Trail (Future)

Associated facilities: restroom, benches, kiosk, parking lot

Other Supporting Use: photography, wildlife observation, and interpretation

Collected Recreation Fee recent projects: Stocking of 8,000 bluegills; Addition of fingerlings cover habitat

## **Lower Derby Lake**

Location: Section 1

Size: 54.9 Acres

Game Fish: green sunfish, bluegill, largemouth bass.

Restrictions: Currently closed for fishing until remedy is done. Lake and dam closed to public access.

Fishing facilities: Wading peninsula

Associated Trails: Lower Derby Lake Road

Associated facilities: None

Other Supporting Use: Photography, wildlife observation, and interpretation

Collected Recreation Fee recent projects: Stocking of 2,000 bluegills

### ***Current General Fishing Program:***

Public recreational fishing is allowed pursuant to special regulations found at 50 CFR 32.25. In summary those are: A Colorado State fishing license and Refuge permit are required; Anglers must obtain and display a daily fishing badge; fishing is by rod and reel only, with one lure or hook per rod; all fishing is catch and release; barbless hooks are required; artificial flies and lures, only, are allowed; no live bait is allowed.

Fishing is permitted at designated times and places on the refuge. Currently that is Lake Ladora, and Lake Mary, with a fishing season from mid-April to mid-October. Currently anglers are required to take an annual safety/orientation course, lasting about 15 minutes, to obtain an annual permit. Daily badges are issued on a first-come, first-served basis on days when the refuge is open to fishing. A \$3.00 per person daily fishing recreation fee is required for anglers age 16 and older. All receipts from the fee program support fishery management and/or fishing program facilities and equipment.

This compatibility determination covers the current general program, and it is recognized that the program will change over the 15 year duration of this compatibility determination. Fishing season, days open to fishing, access type (bank fishing, wading, non-motorized boats), hours of operation, and permit requirements may be changed on an annual basis in response to changing land ownership (Army – FWS transfers), changes in remediation activities at RMA, changes in aquatic habitat, or changes in fish populations.

This compatibility determination covers potential modifications to the current program that might: extend the fishing season from March through November on Lake Mary and/or Lake Ladora; open Lower Derby Lake to fishing between May and September; open fishing on any lake up to not more than three days/week; allow non-motorized or electric motorized boats to be used for fishing in Lake Ladora and Lower Derby Lake. Modifications from the current program that would require a new compatibility determination would include: Any recreational fishing during November – February; fishing on Lower Derby Lake between during October – April; use of gas-powered motorized boats; use of live bait; opening of any lake to fishing more than 3 days/week; or fishing between the hours of 10:00 p.m. and 5:00 a.m.

### ***Special Youth Fishing Programs***

RMA NWR has approved goals and objectives to reach out to urban youth with wildlife-dependent recreation activities. Fishing is one of many activities that can expose inner-city youth to natural resources, wildlife conservation, and the Refuge System and instill in those youth and appreciation for their wildlife resources and public lands.

In addition to the permitted fishing program for the general angling public, RMA NWR provides special fishing opportunities for youth via a variety of partnerships. Current fishing program partnerships include Children's Hospital, Craig Hospital, and Environmental Learning Kids (ELK). Lake Mary has accessible fishing piers for disabled persons that are regularly used by disabled youth undergoing rehabilitation at Denver's Children's and Craig Hospitals. Special youth fishing programs are provided for boy scouts and girl scouts.

Special Youth Fishing Programs are scheduled outside normal angling hours for the general public to give children an opportunity to fish without competition. All youth programs are supervised by staff and/or volunteers. Youth program participants, particularly disabled youth, are allowed to use cut bait (usually frozen smelt) in addition to artificial lures and flies, to increase their chances of success.

### **Availability of Resources:**

Direct annual costs to administer the Refuge fishing program are primarily in the form of staff time, volunteer support and funds generated through the Recreation Fee program. The current Refuge organizational chart includes four (4) base-funded visitor service positions. Those employees all work partially in support of the fishing program. In addition the refuge has one Full-time and two dual-function Refuge Officers and several Refuge Operations Specialists that support fishing program activities. RMA NWR has an active volunteer program with dozens of volunteers who assist with the different components of the fishing program. These volunteers also assist with fishery management duties and facilities repairs.

Based on a review of the Refuge budget allocated for this activity (projected Sub-Activity 1263 allocation of \$562,744.00 in FY 2006), there is adequate funding to ensure compatibility and to administer the Refuge's fishing programs over the long-term.

In addition to appropriated funds, the Recreation Fee program has supported the fishery and fishing program generating an average funding of \$4500 per year in the first two years of operation.

### **Anticipated Impacts of the Use:**

The presence of anglers in refuge habitats, results in some unavoidable wildlife disturbance. Disturbance of bird species, particularly bald eagles during the wintering

period, migratory waterfowl, and marsh and water birds is of particular concern in context of the fishing program. Because of the relatively small area open to fishing (shoreline of 8 ac. Lake Mary and less than 50% of the shore area of Lake Ladora); seasonal fishing closures; and short duration of fishing access (daylight hours not more than 3 days/week on any lake) disturbance resulting from fishing is anticipated to be biologically insignificant. It is acknowledged that some species do not acclimate to regular human presence in their habitat and recreational fishing will result in reduced use of some habitat areas by some species, and the temporal absence of some species from fishing venues. In addition to disturbance of wildlife, fishing activities result in some trampling of vegetation on lake shores, and injuries to and occasional mortality of fish, and occasionally reptiles and amphibians from fish hooks. Because of angler education and regular staff and LE presence, the potential for and incidents of wildlife entanglement in discarded monofilament is lower than on many refuges.

Bald eagles winter on the Refuge from October through April with significant populations generally present from late November through early March. Bald eagles roost communally on the refuge at night, and disperse on and off-refuge during the day, primarily to forage on prairie dogs. Aquatic habitats with regular winter eagle use include the southern and eastern edges of Lake Ladora, Lower Derby Lake, and Lower Derby roost site, just east of Lower Derby Lake. At present, there is one bald eagle nest territory on the refuge. Those locally breeding eagles may use the lakes throughout the year.

RMA NWR supports a very limited number of breeding waterfowl, and impacts of fishing on waterfowl production is negligible, certainly not of any consequence at the state, regional or flyway level. There are no colonial nesting waterbird rookeries at RMA NWR. The refuge has limited shorebird habitat and use – primarily during when Lower Derby Lake is in drawdown.

Bird species at Lake Ladora during the fishing season includes: double-crested cormorants, white pelicans, Canada geese, herons, blackbirds, kingfishers, grebes, some raptors and a few ducks. Angler wading along the south shore line of Lake Ladora, no doubt results in some disturbance of marsh and water birds. However, breeding habitat in that area is limited and restricting angling to less than 4 days/week makes those habitat resources temporally available to migrant and post-breeding birds throughout the fishing season. The southeastern tip of Ladora (Ladora arm) is also closed to the public due to the presence of some species such as rails, grebes, and common yellowthroats. Angler wading activity may also disturb other species such as turtles, snakes, small reptiles, frogs, salamanders and small mammals, but these impacts are of low or moderate significance.

Fishing in Lake Mary does not result in significant wildlife disturbance due to low wildlife abundance and prohibition of wading activity. Most of the fishing activity at Lake Mary occurs from the fishing structures (boardwalk, and piers). Although some species such as great blue herons will leave Lake Mary on days when fishing occurs,

herons and other marsh and water birds are observed using Lake Mary habitats throughout the fishing season.

Lower Derby Lake currently provides the best avian habitat of the three lakes. It is heavily used by migrant waterfowl, shorebirds, wading birds, pelicans and other water birds. Bald eagles are regular throughout the winter months. Increasingly, Lower Derby and Lake Ladora provide wintering roost and loafing habitat for 5000 – 10,000 Canada geese.

Currently, there is no fishing in Lower Derby Lake, and hence, no impacts. Any future opening of this water to recreational fishing will have to be limited spatially and temporally in insure that it does not materially detract from or interfere with achievement of RMA NWR purposes Nos. 1 and 2 (above). (See Stipulations below).

### **Public Review and Comment:**

This draft compatibility determination is provided for public review and comment. This document will be available for public review at the offices of Rocky Mountain Arsenal National Wildlife Refuge, 7200 Quebec Street B121, Commerce City, Colorado. It will also be available on the Refuge website at <http://rockymountainarsenal.fws.gov>, and public libraries in Commerce City and the Montbello area of Denver, CO. announcement of availability of the draft for public review and comment will be made through local media outlets in the area. Public comment will be accepted between February 6 and February 27, 2006.

### **Determination:**

\_\_\_\_\_ Use is Not Compatible

\_\_\_X\_\_\_ Use is Compatible

### **Stipulations Necessary to Ensure Compatibility:**

Recreational Fishing programs on the Refuge will be managed according to approved Refuge Management Plans. The Refuge Manager will use the best scientific information and sound professional judgment to maintain the wildlife and their habitat to support these programs. The Refuge Manager will monitor and adjust the program to ensure its activities will not materially interfere with or detract from the fulfillment of the Refuge System mission or the wildlife and habitat purposes of the Refuge.

### **Special Provisions:**

- Current codified regulations regarding catch and release angling, and tackle restrictions (barbless hooks, artificial lures only, no live bait) will be maintained.



- No single lake will be open for fishing more than three days per week.
- The general angler fishing season will not be extended beyond the period March 1 – November 15 annually.
- Lower Derby Lake will not be opened to fishing access by wading.
- Fishing in Lower Derby Lake, if implemented, will be restricted to the months of May – September.
- Fishing in Lower Derby Lake, if implemented, will be limited to bank fishing from the dam on the west end of the lake, and/or not more than 5 non-motorized boats, and not more than 2 days/week
- Fishing hours will not be extended beyond the period 5:00 a.m. to 10:00 p.m.

**Justification:**

In the Rocky Mountain Arsenal NWR Act of 1992 (P.L. 102-402), Congress established eight (8) statutory purposes for RMA NWR. Maximizing compatible wildlife oriented recreation (including fishing) is a statutory Refuge Purpose. As a Refuge Purpose, the Service is required to provide these programs whenever they are compatible with wildlife purposes.

The programs described are in accordance with the RMA NWR Comprehensive Management Plan (1996), and Record of Decision for the Rocky Mountain Arsenal National Wildlife Refuge, Adams County, Colorado, Final Environmental Impact Statement (December, 1995), and with the RMA NWR Public Use Plan (2004) that was prepared with public participation.

This Compatibility Determination is necessary only to ensure that these uses are compatible with the wildlife and habitat purposes established by Congress, and the mission of the NWRS, and no additional justification for these uses is necessary or appropriate.

**Signature: Refuge Manager** \_\_\_\_\_  
(Signature and Date)

**Review: Zone Supervisor** \_\_\_\_\_  
(Signature and Date)

**Concurrence: Regional Chief** \_\_\_\_\_  
(Signature and Date)

**Mandatory 10 or 15 year Re-evaluation Date:** March, 2021

